

Mail Stop Interference  
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Filed 16 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

RONALD S. **COK**, ANDREW D. ARNOLD  
and DUSTIN WINTERS  
Junior Party  
(Patent 6,812,637),

v.

TAKESHI **NISHI** and ISHIMARU SHIBATA  
Senior Party  
(Application 10/601,793).

Patent Interference No. 105,668 (SCM)  
(Technology Center 2800)

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

### **Part B. Judge managing the interference**

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. Bd. R. 104(a).

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

### **Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **1:00 p.m. on 19 February 2009** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors: RONALD S. COK, Rochester, NY  
ANDREW D. ARNOLD, Hilton, NY  
DUSTIN WINTERS, Webster, NY

Involved Patent: U.S. Patent 6,812,637, issued 2 November  
2004, based on application 10/388,111, filed  
13 March 2003

Title: OLED display with auxiliary electrode

Assignee: Eastman Kodak Company

Senior Party

Named Inventors: TAKESHI NISHI, Kanagawa, Japan  
ISHIMARU SHIBATA, Kanagawa, Japan

Involved Application: 10/601,793, filed 23 June 2003

Title: OLED display with auxiliary electrode

Assignee: none

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

**Count 1**

**Claim 1 of Cok's U.S. Patent 6,812,637**

**or**

**Claim 79 of Nishi's Application 10/601,793**

**The claims of the parties are:**

**Cok: 1-34**

**Nishi: 79-85**

**The claims of the parties which correspond to Count 1 are:**

**Cok: 1, 2, 5-7, 9 and 10**

**Nishi: 79-85**

**The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:**

**Cok: 3, 4, 8, and 11-34**

**Nishi: none**

The parties are accorded the following benefit for Count 1:

Cok: none

Nishi: 09/735,096, filed 11 December  
2000, now U.S. Patent  
6,593,691, issued 15 July 2003

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see SO & 106.1.1:

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### **Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patent 6,812,637  
Copy U.S. Patent 6,593,691  
Copy of claims of 10/601,793

Revised 3 January 2006

cc (via overnight delivery):

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